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February 29, 2024

BY ECF

The Honorable Alvin K. Hellerstein
United States District Court
for the Southern District of New York
500 Pearl Street, Room 1050
New York, New York 10007-1312

Re: *Rhode-NYC, LLC v. Rhodedeodato Corp. et al.*, No. 22-cv-5185 (AKH)

Dear Judge Hellerstein:

We represent Plaintiff Rhode-NYC, LLC (“**Rhode-NYC**” or “**Plaintiff**”) in the above-captioned proceeding. Pursuant to Your Honor’s September 19, 2023 memo endorsement ordering the dismissal of the above-captioned action and permitting either Rhode-NYC or Defendants Rhodedeodato Corp., HRBeauty LLC, and Hailey Bieber (collectively, “**Rhode Skin**” or “**Defendants**”) to apply for restoration of the action, ECF 103, we write to request that the above-captioned action be restored and that all active stays of discovery be lifted.

On September 15, 2023, the Parties filed a joint motion to stay discovery for 30 days to give the Parties time to pursue settlement. ECF 102. In light of the Parties’ ongoing settlement negotiations, the Court dismissed the action, noting that “[i]f the settlement is not consummated within 30 days of this order, or an authorized enlarged date, either party may apply by letter for restoration of the action within 10 days after the close of said period.” ECF 103. On October 18, 2023, the Parties filed a joint motion requesting a 30-day extension of time to consummate settlement. ECF 104. The Court granted that request on October 19, 2023. ECF 105. On November 20, 2023, the Parties filed a joint motion requesting an additional 30-day extension of time to consummate settlement. ECF 106. The Court granted that request on November 21, 2023. ECF 107. On December 11, 2023, the Parties filed a joint motion requesting an additional 18-day extension of time to consummate settlement. ECF 111. The Court granted that request on December 12, 2023. ECF 112. On December 28, 2023, the Parties filed a joint motion requesting an additional 14-day extension of time to consummate settlement. ECF 113. The Court granted that request on January 2, 2024. ECF 114. On January 12, 2024, the Parties filed a joint motion requesting a further 14-day extension of time to consummate settlement. ECF 115. The Court granted that request on January 22, 2024. ECF 116. On January 26, 2024, the Parties filed a joint motion requesting a further 14-day extension of time to consummate settlement. ECF 117. The Court granted that request on February 1, 2024. ECF 118. On

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February 9, 2024, the Parties filed a joint motion requesting a further 14-day extension of time to consummate settlement. ECF 119. The Court granted that request on February 12, 2024. ECF 120. On February 23, 2024, the Parties filed a joint motion requesting a further 14-day extension of time to consummate settlement. ECF 122. The Court granted that request on February 26, 2024. ECF 123.

Although settlement negotiations between the Parties remain ongoing, progress in those negotiations has unfortunately stalled. Given this delay, Rhode-NYC has no choice but to seek to reopen the litigation. Accordingly, Rhode-NYC respectfully requests that the Court reopen the above-captioned action, lift any active stays on the proceedings so that the Parties can immediately proceed with discovery, and order that the Parties meet-and-confer and jointly propose a new case management schedule within two weeks of such order.

Respectfully submitted,

/s/ Megan K. Bannigan

Megan K. Bannigan

*Counsel for Plaintiff /
Counter-Defendant*

cc: All counsel (by ECF)